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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,755	10/12/2005	Andrew Paul Shawcross	056258-5094	7346
9629 7590 07/14/2008 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
SHAH, MANISH S				
ART UNIT		PAPER NUMBER		
2853				
MAIL DATE		DELIVERY MODE		
07/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,755

Applicant(s)

SHAWCROSS ET AL.

Examiner

Manish S. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Note: Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

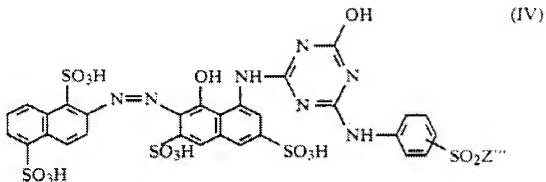
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 & 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto et al. (# US 5131917).

Miyamoto et al. discloses a compound an ink composition including from 2 to 10% the water soluble dye (column: 3, line: 30-36) and from 35 to 75% of water and solvent (see Example: 6). They also disclose process of printing is done on fiber material (see Abstract). They also discloses that the water soluble dye of a formula as shown below (see Abstract; column: 2, line: 30-50). They also discloses that the formula is in form of lithium, sodium or potassium salt (column: 2, line: 47-51).



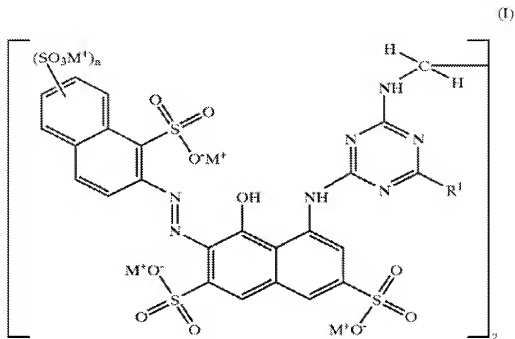
wherein Z, Z' and Z''' are each $-\text{CH}=\text{CH}_2$ or $-\text{CH}_2\text{CH}_2\text{Z}_1$, $-\text{CH}_2\text{CH}_2\text{Z}_2$ or $-\text{CH}_2\text{CH}_2\text{Z}_3$, respectively, in which Z₁, Z₂ and Z₃ are each a group capable of being split by the action of an alkali, Z'' is $-\text{CH}=\text{CH}_2$, and any one of X and Y is sulfo, and the other is hydrogen, exhibits superior dye performance such as solubility, storage stability and build-up property, and is useful for dyeing or printing fiber materials such as cellulose fiber in a red color excellent in various fastness properties.

Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer et al. (# US 6432185).

Bauer et al. discloses a compound an ink composition including from 0.5 to 15% the water soluble dye (column: 5, line: 20-30) and from 35 to 75% of water and 10 to 50% of solvent (column: 5, line: 25-45). They also disclose process of inkjet printing using inkjet recording apparatus, which includes ink cartridge (column: 6, line: 5-30), and ink composition, and ejecting ink on paper or synthetic fiber (see Abstract). They also discloses that the water soluble dye of a formula as shown below (see Abstract;

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column: 2, line: 1-50; see Examples). They also discloses that the formula is in form of lithium, sodium or potassium salt (column: 2, line: 50-56; see Examples).



in which

R^1 is $\Lambda-X-COOM$, $\Lambda-X-SO_3M$, OR^4 or NR^5R^6 ,
 Λ is NR^7 or S ,

X is a (C_1-C_{16}) -alkylene or arylene radical optionally substituted with hydroxyl-, carboxyl- or amino-groups;

R^4 , R^5 and R^6 independently of one another are hydrogen or (C_1-C_4) -alkyl or substituted (C_1-C_4) -alkyl

R^7 is hydrogen, methyl or ethyl;

M is a cation and

n is 0 or 1.

which are suitable for printing natural and synthetic fiber materials for recording liquids, especially for the inkjet process, and for pulp-dyeing paper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Manish S. Shah/
Primary Examiner
Art Unit 2853

/MSS/